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Bosnia: Unfinished Business

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TESTIMONY

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Mr. Chairman, it is an honor to be invited to testify before you today at this significant moment in the Euro-Atlantic integration of the Balkans. This most timely hearing occurs in the year in which we will, on December 14, mark the tenth anniversary of the signing of the Dayton Peace Accords in Paris. The three-week long deliberations that took place in the United States, at Wright Patterson Air force base in Dayton, Ohio, in November 1995 brought to an end the conflict in Bosnia and Hercegovina and opened the path to stability and lasting peace in the region.

I am here to offer you my personal views on the regional dynamics and framework that inform the current situation in Bosnia and Hercegovina, as well as on the salience of EU and Euro-Atlantic integration for the betterment of the country and the region as a whole.

Introduction

A war the wars of the breakup of Yugoslavia, occurred without forewarning at the end of the twentieth century, much to everyone's astonishment and unprepared ness. The fall of communism in 1989 had as its collateral effect the demise of three communist federal states – the Soviet Union, Czechoslovakia, and Yugoslavia, with this last one marred by violence and armed conflict.

These were not Balkan wars, but wars in one country of the Balkans that had nefarious effects on the region even though it did not directly implicate neighboring countries.

Today, the Balkans, or Southeastern Europe, live in a different mind set and face different priorities. The democratically elected governments of the region have an eye to EU integration and accession to NATO. The region has moved away from the immediate post-conflict zone into that of sustained transitional democratic reform policies, addressing developmental issues and tackling the challenges of Euro-Atlantic integration.

Important strides have been made by countries of the region: Slovenia is a full member of the European Union; Slovenia, Romania and Bulgaria are members of NATO; and, Romania and Bulgaria expect to become the twenty sixth and twenty seventh member states of the European Union on January 1, 2007.

Moreover, Croatia is a full candidate for EU accession and Macedonia expects to become one at the end of this year. Also, Albania is engaged in an EU Stabilization and Association Process. All three of these countries are currently members of NATO's Partnership for peace program and formed two years ago a regional security grouping — the Adriatic Charter — in view of possible full NATO membership in the near future, following the precedent of the Vilnius group.

The regional laggards in these efforts toward Euro-Atlantic integration are Serbia and Montenegro, and Bosnia and Hercegovina, although both have declared their EuroAtlantic priorities with forcefulness and determination. I shall return to them.

Due to the absence of the Balkans issues from the international headline news, in these introductory remarks I would like to stress what I see as positive regional dynamics, without, of course, neglecting or disregarding the major remaining difficulties, unresolved issues and subsequent challenges that lie ahead.

There is a positive peer group effect among the countries in the region. On an important level they do act as communicating vessels – observing each other and having a mutual pulling effect toward Euro-Atlantic integration. The general post-1989 rush of a “return to Europe” has taken over this part of the post-communist world.

At the Thessaloniki Summit in June 2003, the European Union, for its part, clearly and adamantly foresaw the prospective future membership of all Western Balkan countries, provided they fulfill all the prerequisite conditions.

As opinion polls demonstrate, Balkan societies are exhausted by the conflicts of the 1990s: their economies are in an impoverished state and overall public services have lowered quality and delivery. Citizens of these countries demand normalcy and existence based on a decent job and salary.

The politics of the region are turned in their majority to the future, with a strong desire to fully reintegrate the family of nations. They are not economically self-reliant, but heavily dependent on international economic support through international financial institutions and bilateral agreements. This implies a relationship of mutual responsibility for the

furthering of democratic reform, the rule of law, and the need for them to create enabling legal environments conducive to foreign direct investments.

Mr. Chairman, the region in this tenth year after Dayton is moving on. I wish to highlight two events and processes that exemplify in Bosnia and Hercegovina these positive forward looking dynamics. One is the symbolically laden accomplished reconstruction and opening of the bridge in Mostar on July 24, 2004. The reconnection of the two sides of the river Neretva that runs through Mostar and the equally fundamental institutional reunification of the 1990s bitterly divided city, speaks to the overcoming of the recent legacies of the past with a civic and democratic approach.

The second, also last year, is of equal historical significance—pertaining to the recognition of Republika Srpska of Bosnia and Hercegovina—of the crime committed in Srebrenica, following an extensive governmental investigation and report. This is an important step in the necessary process of reconciliation and Bosnia and the region are addressing it.

Unfinished business

The unfinished business in the Balkans has to do with multiple legacies – principally those of communism (or the absence of democracy and the market economy in the post-second world war period) and those of war (destruction, disintegration, displacement, suffering, trauma and concomitant economic and societal neglect).

The challenge of entering the global economy, steering the process of EU integration, along with the task of a simultaneous reform of virtually every sector of state and society – is the mountain to be climbed. These are still in many administrative dimensions weak states. Additionally, in the Balkans there are still states that are not fully defined and/or are protectorates of the international community. These unresolved state issues and “controlled democracies”, hybrid regimes, in which overbearing international actors have the defining influence over the domestic, democratically elected ones – are those that in this year 2005 are to be addressed so as to advance the countries concerned on the road where their peers are already well advanced.

This is the price being paid for having had war and for the fact that resolving the conflicts of the 1990s was possible thanks to the involvement of the international community. Not that that involvement did not at times itself contribute to the aggravation of the situation, but it ultimately brought forth an end to the conflicts.

The year 2005 will see the opening of the talks which will address the issue of the final status of Kosovo. At the same time, the tenth anniversary of Dayton will be conducive to addressing the outstanding issues regarding the character of the domestic institutional architecture and that of the protectorate of the international community in Bosnia and Hercegovina.

As fear, insecurity and uncertainty about the future recede and an awareness of the need to rejoin the current global, European and regional democratic dynamics take over, there is a strong need to reinforce and support all those endeavoring for that new frontier of freedom.

Regional cooperation in the Balkans and Bosnia's role

Regional collaboration and cooperation is an untold story of the Balkans. Its multifaceted forms have grown and branched out across the region. The homegrown South East European Cooperation Process that Bosnia and Hercegovina chaired in 2003-2004 is one of the most significant intergovernmental institutions of the region. It has spearheaded an agreement on cooperation in the field of energy, by the announcement of the creation of a regional energy market. One only needs to read the Sarajevo Declaration of 21 April 2004 to realize the range and depth of ongoing initiatives in the fields of combating organized crime, security and defense exchanges, asylum, migration and sustainable return.

The Southeast European Cooperation Initiative (SECI) Center for Combating Trans-border Crime, based in Bucharest is a key regional institution which in recent years has been coming to grips with one of the most burning issues, that of organized crime. It has brought together on a focused task not only the ministries of interior and police forces of the region but nongovernmental organizations that are pro-actively involved in addressing issues of trafficking and crime.

With the Stability Pact for South East Europe, launched in Sarajevo in July 1999, in the aftermath of the NATO intervention, the region is supported through activities of three working tables in the field of democratization, economy and security. The activities are streamlined to and organized in conjunction with EU integration needs and policies. The Sava Basin Initiative bringing together the four countries Slovenia, Croatia, Bosnia and Hercegovina and Serbia and Montenegro under the auspices of the Stability Pact is but one offspring of the Stability Pact's long term approach to linking the countries and their common concerns. Whatever criticisms one may have of aspects of the Stability Pact's (in)efficient efforts, it has over the past six years done much, in general and specific ways, to create a regional spirit of cooperation and joint purpose.

In the field of economy, a web of bilateral free trade agreements has been fostered by the Stability Pact covering the whole region. Now they will be upgraded into a multilateral trade liberalization agreement which should spur on free trade. This will eventually lead to a custom's union and ultimately integration into the EU's single market. However, recent raising of tariff barriers on a number of products between BiH and Serbia and Montenegro and Croatia shows the precarious nature of some of these dynamics in weak markets. i.e. economies.

Thus a wide web of networks spans the region not only in the fields of governmental, or economic exchange but also in those of the environment, culture (a council of ministers of culture of South East Europe was created and signed into life only several days ago in

Copenhagen), education, and a myriad of municipal cross-border initiatives. The creation of Euroregions in the Balkans is a case in point. The mayors of the capitals of the region have been meeting to streamline their regional policy approaches.

These are but a few examples of the ongoing activities. Can we be satisfied with the accomplished level of cooperation? In fairness, much has been done, but much more remains and needs to be done. Bosnia and Hercegovina is a key contributor to these efforts and will be in the future.

To many this is an invisible network. But it has taken on a life of its own and is a crucial component of the general movement toward reconciliation and toward the recognition of common interests and approaches to joint challenges.

It is of fundamental importance that Bosnia and the other countries continue to build on these best practices. It is in this manner that they eminently demonstrate their espousal of European and transatlantic values.

Security in the Dayton Triangle – EU integration and a Plea for Partnership for Peace Membership

The priority goal of Bosnia and Hercegovina and its neighbors in the region is membership in the EU and NATO. The EU is now clearly taking the lead and should do so even more forcefully to achieve stability and the foundations of lasting peace through continuing completion of the European project – a Europe whole and free.

Security in the Balkans is still and shall be dependant on the presence, in particular in the protectorates on the United States, the European Union and NATO. They are seen as the guarantors in the ongoing EuroAtlantic processes.

In Bosnia and Hercegovina, the EU mission Althea on December 1, 2004 took over from NATO's peacekeeping mission and transformed it from its 33 nation, 7000 SFOR into Eufor troops. Similarly, the same changing of the guard has happened in Macedonia with the EU mission Proxima.

With the backing of the US, the EU is taking the lead both in military and in civilian affairs matters.

Regarding NATO, there is currently an absurd situation in that in Europe only two countries are not yet part of NATO's Partnership for Peace program: Bosnia and Herzegovina, and Serbia and Montenegro.

Although the conditions imposed for membership will remain, it seems ultimately propitious for the goal of stability and peace in the region to advance these two countries into this first stage of an overall NATO security framework. Such a move would further reinforce all democratic, reform minded actors and give them a sense of finally departing from the barren land of non-involvement in collective security arrangements.

Notwithstanding arguments to the contrary, Croatia for example was brought forward, on its merits, as a full candidate for membership in the EU with a remaining outstanding obligation to the International Criminal Tribunal for the Former Yugoslavia (ICTY). The same could be replicated here.—take these two countries (BiH And SaM) into Partnership for Peace, and you will reinforce and accelerate democratic and reform dynamics in the armed and security forces, and strengthen regional security frameworks which will add a strong buttress to overall European stability.

The outstanding obligations would then be fulfilled equally, in parallel to integrated reform dynamics, and within an existing NATO Security framework.

It should be noted that in the past two months there has been a sudden surge in compliance with obligations to the ICTY. To date several indictees from Republika Srpska and Serbia and Montenegro reached the Hague Tribunal, others have been announced to be going. All of this allows a glimmer of hope that the end of the outstanding indictees required to go to the ICTY is in sight. Clearly until all, and in particular Radovan Karadzic and Ratko Mladic are in the Hague, this obligation will not be fulfilled.

The EU Magnet, the “Helsinki Moment” or “Europe’s Transformative Power” in the Balkans

As the histories of the past dissipate and as the scars of conflict slowly recede, the vision of integration takes precedence. The attraction that the model of membership creates and the historical accession of ten new members states into the EU and the NATO accession last year, all provoke a pulling effect, or at least one in which no one wants to be left behind.

It is time now in 2005 for the EU in particular to make good on its June 2003 Thessaloniki declaration by preparing to bring in the five countries of the Western Balkans, of which Bosnia and Hercegovina is one. The EU with its new Commission, under Jose Manuel Barroso’s leadership, has made a significant institutional rearrangement--the Western Balkans file has been moved to the brief of the European Commissioner for enlargement (Olli Rehn, from Finland). The enlargement file consists, at this moment, of the Western Balkans and Turkey.

As it prepares its next long term (2007-2013) budget the EU has prepared a new instrument IPA (Instrument of Pre-Accession). It is my strong conviction, as that of other specialists of the region, that the greater public good would benefit from equalizing candidates and non-candidates in this IPA; or even more boldly preparing to give candidate status to all countries in the next two years – provided of course that these countries comply and fulfill the prerequisite Copenhagen criteria. By giving them candidate status, or “a date for a date” to begin negotiations would create a highly (already in the case of Turkey, Romania and Bulgaria witnessed) motivating moment (Gerald Knaus, Mark Cox) which mobilizes all resources of society toward democratic

reform. A strong incentive is injected which allows for the “soft” transformative power of the EU (Mark Leonard) to begin its work, this in turn creates a positive domino effect.

A new bold strategy of enlargement, building on existing best practices is called for. This wholesale approach would counter the frequent piecemeal approaches that have not taken into consideration the need to understand the region in its complexity and mutuality.

Clearly, the principle of each country moving at its own speed toward integration and according to its own merits stands immutable. No country can delay the accession process of another. It is the positive competition fostered by the “transformative power of Europe” that can promote and accelerate these processes in the each country.

Where is Bosnia and Hercegovina today?

These aforementioned proposals to speed up integration processes are spelled out expressly because of the unfinished business in the Balkans and thus also in Bosnia and Hercegovina. The region is, I would submit, closer to success than to failure, although possible failure, or backsliding is never too distant. That is the reason for urgency and not complacency.

Bosnia and Hercegovina was in the eye of the storm of the 1990s wars. It faces a tremendously difficult legacy of those years, but also that legacy common to all post-communist countries. It also, as other transitional countries, is prone to a disillusionment with the democratic process, and with politics tout court. The experience of instrumental, manipulative politics from the communist era has left a legacy of distrust and disbelief in the possibility of a redignified, rational politics. The concomitant distrust in state institutions and administration is often pervasive.

And yet post-war reconstruction with all its “Lessons (not) learned”, and much squandered resources has put the country back on its feet. Ten years of peace have allowed for a series of democratic elections and peaceful changes. Yes, the political parties that were present at the beginning of the conflict are still in power today, yet it would be an exaggeration to say they have not undergone a transformation. Has it been sufficient? Surely not. More needs to be done in the sphere of political society.

The overall relinquishing of tensions in the Dayton triangle, the multiplication of links and relationships, and the regular exchange/visits of high-ranking business exchange, all are progressively laying the foundations for more lasting solutions, i.e ultimately membership in NATO and the EU.

The normalization of relations between Croatia and Serbia and Montenegro has been crucial also for the future of Bosnia and Hercegovina. The Dayton Accords and the constitution stipulated in Annex 4 are the basis from which future functional solutions will be sought. The two entities: the Federation of Bosnia and Hercegovina and Republika Srpska and the central governmental institutions have had to confront the harsh realities of economic and social challenges. It is these pressing issues that are

defining much of the agenda. Governments are pressed to deliver to their citizens. In situations of high unemployment and lack of outlook, this becomes all the more arduous.

It is most indicative that the Council of Europe, based in Strasbourg, in its Resolution 1384 (2004) has forcefully underlined that the constitution formulated in the Dayton Annex 4 is “the result of a political compromise achieved in light of ending the war, (but) that it cannot ensure the long term efficient functioning of the state, and that thus it must be reformed, as soon as there is the achievement of national reconciliation and the full establishment of mutual confidence”. It is only through the full accord and agreement of the domestic actors that change toward greater functionality can be achieved on a firm basis.

The Office of the High Representative, additionally strengthened by the Bonn powers in 1997, signifies the strong influence of the international community in the executive, legislative and judicial branches of power (or its possibility to intervene at any time and override the domestic actors), while Bosnia is at the same time a sovereign state. The role of international actors in a variety of other institutions speaks to the fully undefined character of the state. The societal and reform dynamic is knocking at the door asking for a more efficacious and efficient system, which is compatible with EU democratic and governance standards, while clearly keeping by the specificities of the state and society.

Bosnia and Hercegovina, its elected leaders and citizens are faced with the arduous task of defining the way forward. This tenth year is one in which the fledgling democratic process has to be reinvigorated, through a broad-based debate in the public sphere where priorities will be fleshed out to demand to take things into their own hands. Obviously, in agreement with international actors it is time, in the words of Immanuel Kant “to exist from self-inflicted immaturity” (applicable to all post-communist countries) and start defining the agenda of the future.

Taking responsibility is a task also incumbent upon the international community to know when is the right moment to start “letting go”. There is a need for effective governments, states and administrations to create economic prosperity. The devastation of state capacities has had negative effects on consolidation, and much remains to be done in that regard. Thus a policy creating a strong constituency for reform, bringing together political parties, civil society and economic actors ready to take over responsibilities and the hard work of change is warranted for.

These processes must be conducted with care and caution.

The forecasted opening of talks on the final status of Kosovo later this year also require a partaking of all stakeholders within a process which will channel the proposed options and lead to a consensual decision.

There are those in Bosnia and Hercegovina who fear that abrupt solutions in Kosovo could be potentially destabilizing. That is, again, why it is important to impress the overall European Union framework and strategy within which ultimately all the

unfinished business will find its resolution and completion. There is no solution to the unfinished business outside of the EU and NATO. It is within a Europe whole and free that the Balkans will finally loose their “powder keg” label.

Machiavelli argued, Mr. Chairman, that political life has in it both Fortuna and Necessita. Maybe the fortune of the moment is that the region of the Balkans and the EU have now the ingredients ready to make virtue out of necessity.

This requires still continued support and attention of the international community. Success is not so far removed. For this reason a well structured process bringing together key domestic and international stakeholders, with the peer support of the neighbors can help deliver the result.
